

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE

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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
(Camden)**

IN RE:

Proceedings in Chapter 13

Case No. 18-28560 (ABA)

JOSE L. LOPEZ, SR.
MADELINE LOPEZ

Debtor(s).

***CERTIFICATION IN SUPPORT OF
MOTION FOR DETERMINATION OF
FINAL CURE PAYMENT***

Hearing Date: July 25, 2023, at 10:00 am

JENNIFER R. GORCHOW, hereby certifies as follows:

1. I am the Staff Attorney for Isabel C. Balboa, Chapter 13 Standing Trustee for Region 3 pursuant to an order entered by the Office of the United States Trustee, United States Department of Justice.
2. I am personally familiar with the matters set forth herein and I am qualified to testify about them.
3. This Court has exclusive jurisdiction over this matter pursuant to 28 U.S.C. §157 and 11 U.S.C. §105.
4. On September 17, 2018, Debtors filed for Chapter 13 Bankruptcy protection.
5. Seterus, Inc., filed a secured proof of claim as servicer for Federal National Mortgage Association on October 17, 2018, in the amount of \$463,158.68 with pre-petition mortgage arrears totaling \$76,720.32. (Claim 5-1).
6. On November 30, 2018, the Court entered an Order Confirming Debtors' Chapter 13 Plan at \$3,020 paid to date, then \$1,672 for 58 months to pay administrative fees totaling \$3,615; pre-petition mortgage arrears to Seterus, Inc. in the amount of \$76,720.32; cure pre-petition arrears due to

AmeriCredit/GM Financial in the amount of \$903.24, with 100% to unsecured creditors who filed timely claims.

7. On February 26, 2019, Debtors' homeowners association, Landis Pointe Homeowners Association filed a secured proof of claim in the amount of \$2,138.14, which was not accounted for in the original plan. (Claim 12-1).

8. On March 27, 2019, the Court entered an Order Confirming Modified Chapter 13 Plan at \$9,546 paid to date, then \$1,762 for 54 months to include the late filed claim. The treatment of the remaining creditors remained the same.

9. On June 19, 2019, a Notice of Transfer of Claim re: Claim Transferred from Seterus, Inc. to Nationstar Mortgage LLC d/b/a Mr. Cooper was filed with the Court (Doc Nos. 36 and 37).

10. On October 9, 2020, a Notice of Transfer of Claim was filed with the Court transferring the claim from Nationstar Mortgage LLC d/b/a Mr. Cooper to Wilmington Savings Fund Society, FSB. (Doc No. 43.)

11. On May 11, 2023, the Trustee filed a Letter to debtor concerning completion of plan payments (Doc No. 62).

12. On May 16, 2023, the Trustee filed a Notice of Final Cure Payment concerning Wilmington Savings Fund Society (Doc No. 63).

13. On May 30, 2023, Wilmington Savings Fund Society, FSB filed a Response to Notice of Final Cure disagreeing that pre-petition arrears have been paid in full and stating there is an outstanding balance due in the amount of \$7,225.36. Creditor's footnote states that check #2059180 in the amount of \$1,556.78, check #2065079 in the amount of \$1,593.03 and check #2072840 in the amount of \$4,075.55 are unaccounted for and once the funds are received, they will be applied to the account.

14. On June 1, 2023, the Trustee emailed counsel for Debtors and counsel for Wilmington Savings Fund Society attaching a copy of the disbursement records and along with the dates all three missing checks were reconciled by the bank. Counsel for secured creditor replied requesting copies of the vouchers and cancelled checks to assist with their research. Copies of the vouchers and cancelled

checks were provided the same day. (See copy of email correspondence dated June 1, 2023, attached hereto and marked as Exhibit “A”.)

15. Check #2059180 was disbursed to Nationstar Mortgage on January 2, 2020. It was reconciled by the bank on January 13, 2020. (See copy of Voucher and Check #2059180 attached hereto and marked as Exhibit “B”.)

16. Check #2065079 was disbursed to Nationstar Mortgage on March 3, 2020. It was reconciled by the bank on March 16, 2020. (See copy of Voucher and Check #2065079 attached hereto and marked as Exhibit “C”.)

17. Check #2072840 was disbursed to Nationstar Mortgage on June 4, 2020. It was reconciled by the bank on June 17, 2020. (See copy of Voucher and Check #2072840 attached hereto and marked as Exhibit “D”.)

18. Counsel for secured creditor advises that the creditor cannot provide any information regarding the missing funds at this time and do not have an estimated date as to when this information will be available. (See copy of email dated June 26, 2023, attached hereto and marked as Exhibit “E”.)

19. The Trustee certifies that Selene Finance, LP as servicer for Wilmington Savings Fund Society, FSB was paid in accordance with the Order Confirming Chapter 13 Plan.

I hereby certify under penalty of perjury that the foregoing is true and correct.

Executed: June 28, 2023

/s/ Jennifer R. Gorchow
Jennifer R. Gorchow
Staff Attorney